

# SENATE BILL REPORT

## HB 1382

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As Passed Senate, April 12, 2019

**Title:** An act relating to increasing access to emergency assistance for victims by providing immunity from prosecution for prostitution offenses in some circumstances.

**Brief Description:** Increasing access to emergency assistance for victims by providing immunity from prosecution for prostitution offenses in some circumstances.

**Sponsors:** Representatives Pellicciotti, Kraft, Macri, Goodman, Doglio, Pettigrew, Ormsby, Jinkins, Stanford, Appleton and Riccelli.

**Brief History:** Passed House: 3/06/19, 97-0.

**Committee Activity:** Law & Justice: 3/28/19, 4/02/19 [DP].

**Floor Activity:**

Passed Senate: 4/12/19, 47-0.

### Brief Summary of Bill

- Provides limited immunity from criminal charges and prosecution for the crime of prostitution.
- Immunizes victims of certain violent offenses seeking emergency assistance.

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## SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer and Salomon.

**Staff:** Tim Ford (786-7423)

**Background:** Prostitution. A person commits the crime of prostitution if the person engages, agrees, or offers to engage in sexual conduct with another person for a fee. Sexual conduct means sexual intercourse or sexual contact. Prostitution is a misdemeanor crime. The penalty for a misdemeanor crime is a fine of not more than \$1,000 or imprisonment for up to 90 days, or both.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Limited Immunity From Criminal Charges and Prosecution. In unique circumstances, a person who would otherwise be charged with a crime may be immunized from a criminal charge and prosecution. A person acting in good faith in seeking medical assistance for another person experiencing a drug overdose may not be charged or prosecuted for possession of a controlled substance where the evidence was obtained as a result of the person seeking medical assistance. This is also true for a person who is experiencing a drug overdose and seeks medical assistance. The protection is limited to possession charges and does not protect the person from other criminal charges. A similar limited immunity exists for the crime of a minor in possession of alcohol who is seeking medical assistance.

**Summary of Bill:** Limited immunity is provided to a person acting in good faith who seeks emergency assistance for a victim of the following offenses:

- any violent felony offense defined under the Sentencing Reform Act of 1981;
- assault in the third degree;
- assault in the fourth degree, or an equivalent offense in a municipal ordinance; or
- rape in the third degree.

The person may not be charged or prosecuted for prostitution if the evidence of prostitution was obtained as a result of the person seeking emergency assistance. The limited immunity extends to persons who are also victims of these listed offenses and are seeking emergency assistance on account of the offense.

The protection is limited to prostitution criminal charges, and is not grounds for suppression of evidence in other criminal charges.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Those who are buying sex are not being held accountable as much as those being bought for sex. Those who are currently in the sex trade or trafficked are reluctant to call police due to fear that they will be arrested for prostitution even though they are the victim of a crime. There is no trust of law enforcement. I was put in jail and my john was given a ticket. They did not believe me when I said I was raped. It is vital that we should be able to report and not be in fear of prosecution. There are two classes in society: one that can call 911, and one that cannot.

OTHER: The state board of health share the findings of its health impact review of this legislation at the request of the Rep. Pellicciotti. A health impact review is an evidence-based analysis of a legislative proposal to determine potential impacts on health and health equity. The board makes an informed assumption that providing immunity from prosecution for prostitution charges has potential to improve access to emergency assistance for some people in the sex trade. How likely certain individuals seek assistance will depend on a number of factors related to implementation.

**Persons Testifying:** PRO: Representative Mike Pellicciotti, Prime Sponsor; Andrea Piper-Wentland, City of Seattle; Kyle Wood, Office of the Attorney General; Rebekah Fonden, citizen; Emi Koyama, Coalition for Rights & Safety for People in the Sex Trade; Jacquelyn Hudson, survivor; Benjamin Gauen, King County Prosecuting Attorney's Office; Noel Gomez, Organization for Prostitution Survivors; Anjilee Dodge, The Organization for Prostitution Survivors; Jeri Moomaw, Innovations Human Trafficking Collaboration; Kyra Doubek, KYFS.

OTHER: Caitlin Lang-Perez, Washington State Board of Health.

**Persons Signed In To Testify But Not Testifying:** No one.